

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

WILLIAM PATRICK FOGARTY,  
Plaintiff,

v.

MICHAEL ASTRUE, Commissioner,  
Social Security Administration,  
Defendant.

CIVIL ACTION NO.  
3:10cv986 (SRU)

**ORDER**

The defendant, Michael Astrue, the Commissioner of the Social Security Administration (“Commissioner”), moves for the entry of judgment with a reversal and remand of the cause to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g). *See* 42 U.S.C. § 405(g) (“The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.”). The plaintiff, William Patrick Fogarty, does not oppose the motion.

The court hereby grants the Commissioner’s motion (doc. # 14). In accordance with the fourth sentence of 42 U.S.C. § 405(g), judgment shall be entered in favor of Fogarty. The decision of the Commissioner is reversed and shall be remanded for further proceedings. On remand, the Administrative Law Judge (“ALJ”) shall: (1) obtain updated medical evidence regarding Fogarty’s impairments; (2) reevaluate the medical opinions and reassess Fogarty’s residual function capacity based on the evidence of record as updated; and (3) obtain vocational expert evidence regarding the availability of jobs that Fogarty could perform with the limitations contained in the residual functional capacity reassessment.

The clerk is instructed to enter judgment in favor of the plaintiff and close this file.

It is so ordered.

Dated at Bridgeport, Connecticut, this 7th day of March 2011.

/s/ Stefan R. Underhill

Stefan R. Underhill

United States District Judge